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EXAMINER

BECKER, SHAWN M

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/411,171

Applicant(s)

MAZHAR ET AL.

Examiner

Shawn M. Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: page 10, line 18, mentions a storage device "61", which is not shown in Figure 1. A proposed drawing correction (preferably in red ink) or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 recites the limitation "said at least one second source of streaming media" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 14-15, and 17 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by the RealPlayer G2™, hereafter, RealPlayer.

Referring to claim 1, RealPlayer is implemented in a computer system having a display device and a speaker for playing a source of streaming media. RealPlayer is a program that accesses data and files (audio and video files) from the World Wide Web. It reads and processes hyperlinks to get to the appropriate site, and is therefore a Web browser. The display shows a graphical user interface of a Web browser (RealPlayer), which displays a Web page in a browser pane (see screenshot 2, right half). The graphical user interface comprises a radio toolbar for displaying at least one button capable of controlling said first source of streaming media (i.e. the play button in screenshot 2).

Referring to claim 14, RealPlayer teaches a computer system having a display device for rendering a graphical user interface of a Web browser (RealPlayer) displaying a Web page in a browser pane (screenshot 2) and having at least one explorer bar (Channels bar and Search bar in screenshot 2) for providing a display area adjacent to the browser pane. The Channels bar is registered with the Web browser (RealPlayer) as a band object. The Search bar allows user input regarding the first source of streaming media.

Referring to claim 15, RealPlayer teaches a computer-readable medium having computer-executable components comprising:

- a) a radio server component for playing a radio source of streaming media (i.e. broadcasting radio station making music available);
- b) an interfacing component for communicating with the radio server component (RealPlayer window in Screenshot 3); and

c) at least one radio-client component communicating through the interfacing component in order to provide instructions to the radio server component regarding the radio source of streaming media (i.e. control buttons in toolbar of RealPlayer in Screenshot 3).

Referring to claim 17, Screenshot 3, shows that RealPlayer is a Windows messaging component.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over RealPlayer and Applicant's Admitted Prior Art.

Referring to claims 2 and 13 steps (a-i) – (a-iii), the RealPlayer contains:

a) a play button for instructing the Web browser (RealPlayer) to play the first source of streaming media (see toolbar near top of screenshot 2);

b) a mute button for instructing the Web browser to silence the first source of streaming media (button above word “video” in screenshot 2); and

c) a volume slider for controlling the volume of the first source of streaming media played over the speaker (see slider above mute button in screenshot 2).

Referring to claims 3 and 13 steps (a-iv) – (a-v), RealPlayer further contains:

a) a radio-stations button allowing user selection of the first source of streaming media (see Channels bar in screenshots 2 and 3); and

b) an information area displaying information about the first source of streaming media (see clip info in screenshot 3).

Referring back to claims 2, 3, and 13 step (a) RealPlayer does not show that the mute button, volume slider, radio-stations button, and information area are in the same toolbar as the play button, but RealPlayer does show that these control buttons can be placed in the same toolbar. RealPlayer supports this teaching by showing the mute button can be in the toolbar, when the view is set to Compact Mode (screenshot 4). In Fig. 13 of the Instant Specification, which shows that which is Prior Art, the toolbar in Windows Media Player © contains a play button, mute button, volume slider, and information area. It would have been obvious to one of ordinary skill in the art to place the volume, slider, radio-stations button, and information area in the same toolbar as the play button in order to keep all audio controls near each other.

Referring to claim 4 and 13 step (c), the graphical user interface of the Web browser (RealPlayer), further comprises a menu bar that includes a plurality of menu entries: File, View, Options (Tools), Presets (Favorites), Sites (Favorites), and Help. The Presets and Sites menu entries both provide links to commonly navigated sites on the Web, just as the Favorites menu entry. The Web browser in Fig. 13, which shows that which is Prior Art, comprises a menu bar that includes the menu entries: File, Edit, View, Tools, and Favorites. It would have been obvious to group the Presets and Sites menu entries into one menu entry and to add the Edit menu entry for cut and paste operations as is done in the Internet Explorer™ browser.

Referring to claims 5 and 13 step (b), RealPlayer further comprises at least one explorer bar for providing a display area adjacent to the browser pane, which is capable of displaying information and allowing user interaction (see Channels bar and Search bar in screenshot 2).

Referring to claim 6, Search bar in RealPlayer comprises a text box for input of a search query in order to identify at least one second source of streaming media (see Screenshot 2, excite).

Referring to claim 7, the Channels bar of RealPlayer comprises a list box for allowing user selection of at least one streaming-media format (see screenshot 2).

Referring to claim 8, in the Channels bar of RealPlayer there is a Screening Room channel (screenshot 3), which when selected hyperlinks to a URL that advertises Hollywood films.

Referring to claim 9, RealPlayer shows in screenshot 5, that at least one streaming-media format can be selected in a list box from the group consisting of: alternative, classical, country, international, jazz, local, news, pop, rock, sports, and talk. RealPlayer implements this list box in the menu explorer bar.

Referring to claim 10, RealPlayer allows the user to access a second Web page (i.e. from a particular genre) with at least one streaming-media hyperlink to at least one third source of streaming media (i.e. a radio station).

Referring to claim 11, RealPlayer shows a vertical explorer bar (the Channels bar in screenshot 2).

Referring to claim 12, RealPlayer shows a horizontal explorer bar (the search bar in screenshot 2).

Referring to claim 13 steps (d) – (f), RealPlayer is implemented in a computer system having a display device (monitor) displaying a Web page in a browser pane (screenshot 2) and having at least one speaker for playing a first source of streaming media. The graphical user

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interface shows a status bar showing a current status for the Web page (see bottom of screenshot 2). RealPlayer shows a minibrowser, which does not include a standard-button toolbar consisting of navigation-toolbar buttons: Back, Forward, Stop, Refresh, Home, Search, History, Print, Mail, and Edit. RealPlayer also does not show an address bar identifying an address for the Web page being displayed by the Web browser in the browser pane. However, RealPlayer teaches launching a Web browser, such as Netscape Navigator™ or Internet Explorer™, when the user selects a site from the Sites menu. Internet Explorer™ (shown in Fig. 13 of Instant Specification) includes the standard-button toolbar and an address bar. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the standard-button toolbar and address bar in the minibrowser of RealPlayer, in order to prevent the user from having to switch between windows.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over RealPlayer and U.S. Patent No. 6,151,634 to Glaser et al.

The screenshots of RealPlayer do not explicitly show that the interfacing means is a shared memory, but Glaser teaches an audio-on-demand communication system related to RealPlayer that uses proximate servers as an interfacing means for communicating with the radio server. See Fig. 2A, Proximate Server 260 and col. 6, lines 6-12. It would have been obvious to one of ordinary skill in the art with the teachings of RealPlayer and Glaser before him to use shared memory as the interfacing means in order to communicate with the radio server.

Conclusion

9. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider


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these references fully when responding to this action. The documents cited therein teach the integration of Web browsing and streaming media. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is 703-305-7756. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-305-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-745-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

smb
September 18, 2002



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